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Attorneys for Defendants

SIRVA, INC., JOE JENIO, KEN WHELAN,

SCOTT BLACK and RAMON PADILLA

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

GABRIELLA LEMA,

Plaintiff,

vs.

SIRVA/NAL WORLDWIDE LOGISTICS, JUAN
CORTES, JOE JENIO, SCOTT BLACK, KEN
WHELAN, MARILYN BEASLEY, RAMON
PIDALLA, and DOES 1-10,

Defendants.

CASE NO.: C07 03631 (JF)

**STIPULATION AND ~~PROPOSED~~
ORDER RE EXTENDING THE
MEDIATION COMPLETION
DATE FROM DECEMBER 27, 2007
TO FEBRUARY 15, 2008**

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STIPULATION

WHEREAS, the parties have selected mediation as the appropriate Alternative Dispute Resolution process in this matter;

WHEREAS, on September 28, 2007, Magistrate Judge Howard R. Lloyd approved the use of mediation in this matter and entered an Order setting December 27, 2007 as the date by which to complete the mediation;

WHEREAS, on October 12, 2007, the ADR Case Administrator assigned Marjorie Gelb to act as the mediator in this matter;

WHEREAS, on October 30, 2007, the parties and Ms. Gelb conducted a conference call (pursuant to ADR L.R. 6-6) and scheduled the mediation to take place on December 13, 2007;

WHEREAS, plaintiff has recently decided to seek permission to amend her Complaint and plaintiff's counsel was recently hospitalized, both of which have delayed the taking of plaintiff's deposition;

WHEREAS, defendants believe that it is essential to take plaintiff's deposition prior to the mediation;

WHEREAS, plaintiff's deposition has been rescheduled to December 20, 2007;

WHEREAS, the parties have met and conferred with Ms. Gelb and have now agreed to conduct the mediation on January 30, 2008;

WHEREAS, four of the five defendants are available to conduct the mediation on January 30, 2008, the only exception being individual defendant Ramon Padilla who will be out of town, but available by telephone;

WHEREAS, given the number of parties and their schedules (including their attorneys' schedules), there is no date (until late March 2008) on which every party, their counsel and the mediator are available for the mediation; and

WHEREAS, individual defendant Padilla is a less significant defendant and not essential to the mediation process and, therefore, the parties request that he be allowed to attend the mediation telephonically;

1 IT IS HEREBY STIPULATED by Plaintiff and Defendants, through their attorneys herein,
2 that the mediation completion date be continued to February 15, 2008 and that individual defendant
3 Ramon Padilla be allowed to attend the mediation telephonically.

4
5 DATED: December 12, 2007

LAW OFFICE OF ROBERT E. THOMPSON

6
7 By: /s/ Robert E. Thompson
8 Robert E. Thompson
9 Attorney for Plaintiff
10 GABRIELLA LEMA

11 DATED: December 12, 2007

BARRITT SMITH LLP

12 By: /s/ Douglas A. Barritt
13 Douglas A. Barritt
14 Attorney for Defendants
15 SIRVA, INC., JOE JENIO, KEN WHELAN,
16 SCOTT BLACK and RAMON PADILLA

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ORDER

Having considered the Stipulation of the parties requesting that the mediation completion date be extended from December 27, 2007 to February 15, 2008 and finding good cause therefore,

IT IS HEREBY ORDERED that the mediation completion date is extended from December 27, 2007 to February 15, 2008 and that the parties submit their respective written mediation statements at least seven days prior to the mediation.

DATED: December 18, 2007


United States District Judge
Jeremy Fogel

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